

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BERKS COUNTY EMPLOYEES' RETIREMENT FUND,

Plaintiff,

-against-

08 Civ. 5654 (LAK)

FIRST AMERICAN CORP., et al.,

Defendants.

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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

Defendant's motion to dismiss the complaint [docket item 13] is denied as moot.

SO ORDERED.

Dated: January 28, 2009



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Lewis A. Kaplan  
United States District Judge

USDC SDNY
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